



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,887	10/22/2003	John P. Finley	8471-0001CPA	6832

27572 7590 12/08/2006

HARNES, DICKEY & PIERCE, P.L.C.  
P.O. BOX 828  
BLOOMFIELD HILLS, MI 48303

EXAMINER
----------

GUIDOTTI, LAURA COLE

ART UNIT	PAPER NUMBER
----------	--------------

1744

DATE MAILED: 12/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/690,887

Applicant(s)

FINLEY, JOHN P.

Examiner

Laura C. Guidotti

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,4,6,10 and 15-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-18 is/are allowed.
- 6) ☒ Claim(s) 1,6 and 10 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☒ Other: Attachment A.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
  2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
1. Claims 6 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072, in view of Racina, USPN 3,028,617.

Veith discloses the claimed invention including a cleaning assembly (23) having a cleaning unit thereon (27), a mounting arm having a lower horizontal portion defining a lower plane (16; see Attachment A for visual explanation) coupled to and extending from the cleaning assembly (see Figures 1-2), a stepped portion (14), and an upper horizontal portion defining an upper plane (12) capable of being selectively coupled to a hitch receiver of a vehicle, the lower and upper planes being substantially parallel (see Figures 1-2, see Attachment A for visual explanation), the mounting arm further comprising a hinge (hinge is formed by members 17, 18, 20) including upwardly

Art Unit: 1744

extending hinge members disposed entirely on the lower horizontal portion (the members being the portions where "17" is bored through) for moving the brush assembly between an operating position and a storage position (see Figure 2 directional arrow), and wherein the mounting arm defines a stepped portion extending perpendicularly between and integrally formed with the lower portion and upper portion (upper portion is "12", lower portion is "16", and middle stepped portion is "14", see Figures; they are of one integral piece, "11"), and the stepped portion is adapted to present the brush assembly at a laterally offset orientation from a vehicle to a ground surface (see Figures) and wherein the hinge is disposed on the lower portion a distance offset from said stepped portion (see Figure 1). Regarding claim 10, the cleaning device is operable to rotate between a parallel relationship with a ground surface in an operating position and an upright position substantially perpendicular to the ground surface in a storage position (see arrow showing movement in Figure 2). Veith includes rubber nipples (27) to clean and remove slush or foreign matter from a shoe sole (Column 2 Lines 9-13). Veith does not disclose that the cleaning device is a brush assembly.

Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats.

Art Unit: 1744

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Veith, USPN 3,740,072, in view of Racina, USPN 3,028,617, and in further view of MacDonald, USPN 6,530,105.

Veith discloses the claimed invention including a cleaning device having cleaning elements thereon (23), an integrally formed mounting arm having a lower portion comprising a lower horizontal member (16), a stepped portion (14), and an upper portion comprising an upper horizontal member (12), the upper portion including at least one mounting aperture formed thereon (13), the lower portion "defining a lower plane" and extending substantially parallel to an upper plane defined by the upper portion (see Attachment A for visual explanation), a cleaning device unit coupled to the mounting arm (23, 27; Column 2 Lines 9-14), a coupling element coupling the mounting arm to a vehicle so that an upper portion of the mounting arm attaches to a vehicle (coupling element is a fastener, not shown, Column 1 Lines 41-44), the coupling element extends through the mounting aperture when coupled (Column 1 Lines 41-44), and a hinge disposed *on* the lower plane of the lower portion of the mounting arm (as the hinge components 17, 18, 20 are "on" the lower plane, Figure 2) for moving the cleaning device unit between an operating position and a storage position (see directional arrow in Figure 2). Veith states that the cleaning device is to be mounted on the lower channel groove of a door opening (Column 1 Lines 5-9) and does not include a hitch receiver.

As mentioned above, Racina discloses a golf shoe cleat cleaner wherein the cleaning portion is brush bristles (10, 10a) for removing debris and mud from soles of a person's shoes (Column 2 Lines 62-66).

Art Unit: 1744

MacDonald discloses a shoe cleaner to be mounted on a golf cart frame or bumper via a mounting bracket (50; Column 4 Lines 17-19). The mounting bracket (50) has a portion (60, 64) that is considered to be a "hitch receiver" and is disposed on an underside of a bumper (as this portion fits below a rear bumper, Column 3 Lines 65-67) and it further defines an aperture (unlabeled, see Figure 2) so that a coupling element (68) couples a mounting arm (14) to a "hitch receiver" and the mounting arm of the frame is capable of being located entirely under the bumper (Column 4 Lines 4-19; using a hitch receiver portion of only 60, 64 a user would be capable of attaching a mounting arm via coupling element 68 and it would be located entirely under a bumper).

It would have been obvious for one of ordinary skill in the art to substitute the cleaning elements of Veith for a brush having bristles, as Racina teaches, in order to remove debris and mud from a person's shoes or golfing cleats and also it would have been obvious for one of ordinary skill in the art to mount the cleaning apparatus of Veith and Racina by employing a hitch receiver, as MacDonald teaches, in order to mount a shoe cleaning device to a rear of a vehicle for a user to clean their shoes at that location.

***Allowable Subject Matter***

3. Claims 15-18 are allowed.

Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 1744

The following is a statement of reasons for the indication of allowable subject matter:

None of the prior art made of record discloses a shoe cleaning apparatus comprising a hitch receiver disposed on an underside of a bumper on the rear of the vehicle, the hitch receiver defining an aperture, an integrally formed mounting arm having a lower portion comprising a lower horizontal member, a stepped portion, and an upper portion comprising an upper horizontal member, the upper portion including at least one mounting aperture formed thereon, the lower portion defining a lower plane and extending substantially parallel to an upper plane defined by the upper portion, a brush unit coupled to the mounting arm, a coupling element coupling the mounting arm to a vehicle so that an upper portion of the mounting arm attaches to a vehicle such that the upper portion of the mounting arm locates entirely under the bumper, the coupling element extends through the mounting aperture when coupled, and a hinge disposed on the lower plane of the lower portion of the mounting arm for moving the cleaning device unit between an operating position and a storage position, and wherein the lower portion includes a linking aperture formed on a rearward end thereof, the linking aperture adapted to cooperate with a tow bar in a towing position for towing a second vehicle.

Also, none of the prior art made of record discloses a shoe cleaning apparatus comprising a hitch receiver disposed entirely on an underside of a bumper on the rear of the vehicle, the hitch receiver defining an aperture, an integrally formed mounting arm including a lower portion comprising a lower horizontal member, a stepped portion and

Art Unit: 1744

an upper portion comprising an upper horizontal member, at least one brush unit coupled to the mounting arm, the brush unit having a frame including a linking aperture formed thereon, said linking aperture arranged outboard of the brush unit and adapted to cooperate with a tow bar in a towing position for towing a second vehicle, a coupling element coupling the mounting arm to the hitch receiver of the vehicle such that the upper portion of the mounting arm mounts to the hitch receiver such that the entire shoe cleaning apparatus locates entirely under the bumper, and a hinge disposed on the mounting arm for moving the brush unit between an operating position and a storage position.

### ***Response to Arguments***

4. Applicant's arguments filed 27 September 2006 have been fully considered but they are not persuasive.

Regarding Veith, US 3,740,072, the "Applicant asserts that the lower portion 16 does not present a horizontal plane parallel to an upper plane defined by the upper portion 12..." However, the Examiner points out above and in Attachment A that "16" *does* in fact include a lower horizontal portion (as it extends in a horizontal direction from 14) *defining* a lower plane (there are possibly *many* lower planes of which 16 defines, as shown in Attachment A, one lower plane may also be horizontal along the lower bottommost edges of 16) so that the lower and upper planes are substantially parallel (see again Attachment A). The lower portion 16 has three dimensional characteristics, as shown in the Figures, and thus has a horizontal portion that defines a lower plane parallel to the upper plane. Additionally, there is a hinge disposed *on* the lower plane of



Art Unit: 1744

the lower portion of the mounting arm, in that components that make up the hinge, 17, 20, are geometrically "on" the lower plane.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
LCG

  
GLADYS M. CORCORAN  
SUPERVISORY PATENT EXAMINER

# ATTACHMENT A

**United States Patent** [19]  
**Veith**

[11] **3,740,072**  
[45] **June 19, 1973**

[54] **FOOT CLEANER DEVICE FOR VEHICLES**

[76] Inventor: **Louis A. Veith**, Route No. 1, Pierz, Minn.

[22] Filed: **June 10, 1971**

[21] Appl. No.: **151,866**

[52] U.S. Cl. .... **280/164 A, 15/237**

[51] Int. Cl. .... **B60r 3/04**

[58] Field of Search..... **280/164 A, 166; 15/237; 296/1 F**

[56] **References Cited**

**UNITED STATES PATENTS**

1,212,111 1/1917 Roos..... 280/164 A

2,557,229 6/1951 Lyster..... 280/164 A  
2,991,118 7/1961 Slegel..... 280/166 X  
3,097,388 7/1963 Gresko..... 280/164 A X

**FOREIGN PATENTS OR APPLICATIONS**

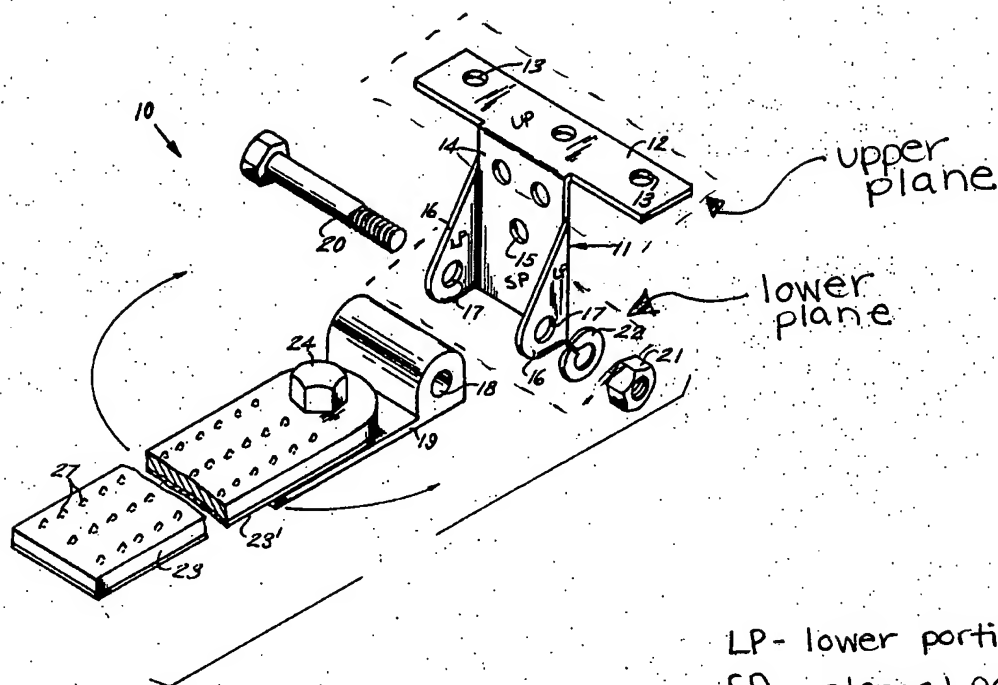
300,482 11/1928 Great Britain..... 280/166

*Primary Examiner—Leo Friaglia*

[57] **ABSTRACT**

A device for attachment to automobiles, trucks and the like. This device includes a bracket which mounts to the vehicle and has pivotally secured to it, a nipped member for scraping slush and the like from one's shoes.

**3 Claims, 2 Drawing Figures**



LP - lower portion (16)  
SP - stepped portion (14)  
UP - upper portion (12)